

# State of South Dakota

## SEVENTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2003

704I0616

### HOUSE BILL NO. 1229

Introduced by: Representatives Smidt, Adelstein, Bartling, Burg, Cradduck, Gillespie, Heineman, Konold, Michels, Pederson (Gordon), Peterson (Bill), Sebert, Solum, and Wick and Senators Jaspers, Abdallah, Brown, Dempster, Dennert, Diedrich (Larry), Duenwald, Duniphan, Ham, Kleven, Knudson, and Vitter

1 FOR AN ACT ENTITLED, An Act to authorize a South Dakota Statuary Commission.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. There is hereby created the South Dakota Statuary Commission. The South  
4 Dakota Statuary Commission is a nonprofit corporation, independent and separate from the State  
5 of South Dakota and subject to the laws governing nonprofit corporations. The purpose of the  
6 commission is to promote the culture and heritage of South Dakota's past, present, and future  
7 through the creation, design, construction, placement, and display of statues that realistically  
8 depict and represent South Dakota and its people, heritage, history, and culture and to raise  
9 money or other consideration to achieve that goal. The board may accept any grants, gifts, or  
10 contributions as allowed by South Dakota's nonprofit corporation law but may not accept any  
11 state appropriation.

12 Section 2. The secretary of state, the secretary of the Department of Tourism and State  
13 Development, and the Speaker of the House of Representatives shall meet within ninety days of  
14 the effective date of this Act to incorporate the commission, to create the initial bylaws of the



1 commission, and to choose the members of the first board of directors.

2 Section 3. There shall be a nine member board of directors for the commission. The terms  
3 of the first board of directors shall be:

- 4 (1) Three selected for one year terms to expire September 30, 2004;
- 5 (2) Three selected for two year terms to expire September 30, 2005; and
- 6 (3) Three selected for three year terms to expire September 30, 2006.

7 All subsequent terms shall be for three years ending on September thirtieth. Members of the  
8 initial board of directors are eligible for reappointment. No board member may serve more than  
9 two consecutive three-year terms on the board. Persons appointed to the board to fulfill the  
10 unexpired portion of a term shall serve for the unexpired portion of that term and may be  
11 reappointed for up to two full three-year terms. Partial terms do not count towards the two term  
12 limit.

13 Section 4. A majority of the board shall be present either personally or telephonically to  
14 constitute a quorum. The board shall meet as necessary to conduct its business by a call of the  
15 chair.

16 Section 5. Any publicly owned lands and highways of the federal government, the State of  
17 South Dakota, and its political subdivisions are eligible for the placement of statues. On a case-  
18 by-case basis, the commission may place statues on privately owned land or outside the  
19 boundaries of the state if such placement meets the purposes of this Act as stated in section 1 of  
20 this Act

21 Section 6. The board members shall receive per diem and expenses while actually engaged  
22 in duties related to the commission. The board may either hire office personnel or may enter into  
23 contractual agreements to carry out its duties.

24 Section 7. The board shall deposit in the state treasury all moneys coming into the custody

1 of the board at least weekly. Expenditures shall only be paid on warrants drawn and approved  
2 by not less than two board members.

3 Section 8. No person may reproduce, duplicate, or otherwise use a facsimile of any statue  
4 constructed, produce, or created by or for the commission, for any for-profit, commercial  
5 purpose without specific written authorization from the board. A violation of this section is a  
6 Class 1 misdemeanor.

7 Section 9. The board may enter into contracts for the marketing and sale of items or objects  
8 authorized under this Act. The board may charge a fee for any authorization granted under the  
9 terms of this Act.

10 Section 10. The board shall work and cooperate with the Bureau of Administration and other  
11 agencies of the State of South Dakota, the federal government, and local government entities for  
12 construction and placement of statues in areas that will enhance the enjoyment and understanding  
13 of each individual statue. Statues should be placed in a highly visible manner so as to enhance  
14 access and visibility of the statue to the public. Statues should be placed to allow for the  
15 placement or addition of interpretive and explanatory material and exhibits in the immediate  
16 vicinity of the statue.